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13049 U.S. PTO

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PTO/SB/05 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. YOR920030486US1 (8728-660)

First Inventor Juan M. Huerta

Title Systems and Methods for Generating Applications...

Express Mail Label No. EV413369461US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 47]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath or Declaration [Total Pages ]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. PTO/SB/17
17. ☒ Other: Associate Power of Attorney

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: \_\_\_\_\_/\_\_\_\_\_

Prior application information:

Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No., or Attach bar code label here)

or

☒ Correspondence address below

Name Frank Chau

F. CHAU &amp; ASSOCIATES, LLP

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Frank V. DeRosa

Registration No. (Attorney/Agent)

43,584

Signature

Date

Dec. 12, 2003

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10794295

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,216.00

**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Juan M. Huerta
Examiner Name	
Art Unit	
Attorney Docket No.	YOR920030486US1 (8728-660)

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0510/IBM

IBM (Yorktown Heights)

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 770.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
40	-20** = 20	18	360
Independent Claims	4	-3** = 1	86
Multiple Dependent		290	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 446.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Frank V. DeRosa	Registration No. (Attorney/Agent)	43,584	Telephone	516-357-0091
Signature		Date	Dec. 12, 2003		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Commissioner for Patents  
Alexandria, VA 22313-1450  
Sir:

Attorney Docket: YOR920030486US1 (8728-660)  
Date: December 12, 2003

Transmitted herewith for filing is the patent application of:

Inventor(s): Juan M. HUERTA; David LUBENSKY; and Chaitanya EKANDHAM  
For: SYSTEMS AND METHODS FOR GENERATING APPLICATIONS THAT ARE  
AUTOMATICALLY OPTIMIZED FOR NETWORK PERFORMANCE

Enclosed are: ☒ 37 page(s) of specification; ☒ 1 page(s) of Abstract; ☒ 9 Page(s) of Claims;  
☒ 5 Sheets of drawings

- ☐ Declaration and Power of Attorney  
☐ An Assignment of the invention to **International Business Machines Corporation, Armonk, New York, 10504**, with PTO Form 1595.  
☐ Information Disclosure Statement, cited references and PTO Form 1449  
☒ Associate Power of Attorney

**CALCULATION OF UTILITY APPLICATION FEE**

For	Number Filed	Number Extra	Rate	Basic Fee \$770.00
TOTAL CLAIMS	40	20	x 18 =	\$360.00
INDEPENDENT CLAIMS	4	1	x 86 =	\$86.00
<input type="checkbox"/> Multiple Dep. Claim			290	\$0
				<b>TOTAL \$1,216.00</b>

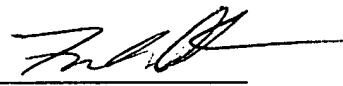
☒ Charge the amount of \$ 1,216.00 to Deposit Account No. 50-0510/IBM (Yorktown Heights).

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0510/IBM (Yorktown Heights).  
A duplicate copy of this sheet is enclosed.

- ☒ Any additional filing fees required under 37 C.F.R. §1.16.  
☒ Any patent application processing fees under 37 C.F.R. §1.17.

Date: December 12, 2003

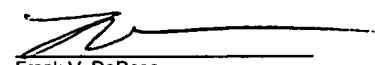
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Frank V. DeRosa  
Reg. No. 43,584

Attorney for:  
IBM Corporation  
Intellectual Property Department  
P.O. Box 218  
Yorktown Heights, NY 10598

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date December 12, 2003, in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV413369461US addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Frank V. DeRosa

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT(S):** Chaitanya Ekandham  
**SERIAL NO.:** Not Yet Assigned  
**FILING DATE:** Concurrently Herewith  
**FOR:** SYSTEMS AND METHODS FOR GENERATING  
APPLICATIONS THAT ARE AUTOMATICALLY OPTIMIZED  
FOR NETWORK PERFORMANCE

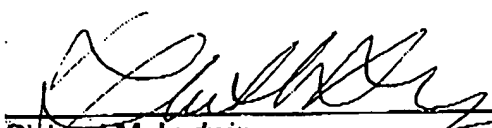
**ASSOCIATE POWER OF ATTORNEY**

Please recognize **FRANK CHAU**, Reg. No. 34,136; **FRANK V. DeROSA**, Reg. No. 43,584; **NATHANIEL T. WALLACE**, Reg. No. 48,909; **ERIC M. PARHAM**, Reg. No. 45,747; **THOMAS W. McNALLY**, Reg. No. 48,609; **MICHAEL F. MORANO**, Reg. No. 44,952; **KOON H. WONG**, Reg. No. 48,459; **BENJAMIN M. HALPERN**, Reg. No. 46,494; and **RICHARD D. RATCHFORD, JR.** Reg. No. 53,865; each of them of **F. CHAU & ASSOCIATES, LLP**, 1900 Hempstead Turnpike, Suite 501, East Meadow, New York 11554 as associate attorneys in the above-mentioned application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith.

Telephone calls should be made to Frank Chau by dialing (516) 357-0091.

**All written communications are to be sent to Frank Chau, Esq.,  
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